IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15883 of 2004

Between:

D.V.S.N. Raju S/o Late Venkatapathiraju
R/o Durga Lodge at Anakapalle, Visakhapatnam District

..... PETITIONER

AND

1 Andhra Pradesh Forest Development Corporation of Ltd., rep by Vice Chairman & Managing Director, regd Office, 3rd Floor, AC Guards, Hyderabad-4
2 Andhra Pradesh Forest Development Corporation Ltd., rep by Regional Manager, Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, Direction or a writ one in the nature of Mandamus declaring (i) the action of the respondents in not proceeding with promotions to the post of Assistant Estates Manager in Pursuance of the Seniority List dt 30-11-2003 of Supervisor (ii) the action of the respondents in proposing to Postpone the promotions to the post of Assistant Estates Manager as W.P. No. 21130/2003 has been pending, as illegal, arbitrary and also declare that (iii) the pendency of W.P. No. 21130/2003 is not an impediment for the respondents in proceeding on while giving promotion to the post of Assistant Estates Manager to the Petitioner and Consequently, direct the respondents to proceed on giving promotion of Assistant Estates Manager to the petitioner forthwith.

Counsel for the Petitioner:MR.A.SRINIVASA SARMA

Counsel for the Respondents.:……

The Court at the stage of admission made the following :

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15883 of 2004

ORDER:

The petitioner claims that he is working as Junior Supervisor in the 1st respondent-corporation. He contends that he is at serial No.1 in the seniority list dated 30.11.2003, issued by the 1st respondent and he was sent for one year Forestry training course by the 1st respondent through proceedings dated 5.9.2003 along with 11 others. The petitioner contends that the training is going to be completed by 30.9.2004, but the respondents, till now, did not take any steps regarding the promotion of the candidates, who were sent for training, to the post of Assistant Estate Managers. The further contention of the petitioner is that the respondents are not taking up the process of promotions on the pretext of one Ch. Krishna Rao, one of the trainees, filed W.P.No.21130/2003 to set aside the order of training dated 5.9.2003 deputing the petitioner and others for training. He further contends that the writ petition is pending and no interim orders have been passed, and therefore, there shall not be any hurdle for the respondents to take up the process of promotions and to pass appropriate orders before the training course completes. The petitioner, therefore, approached this Court seeking to hold that there was inaction on the part of the respondents for proceeding with the promotions and that the pendency of the writ petition No.21130/2003 filed by Ch. Krishna Rao, is not an impediment for giving promotions. Therefore, he requested to direct the respondents to proceed with the process of promotion.

In the light of the circumstances explained by the petitioner, the respondents are directed to examine the records of the petitioner and other candidates, and take necessary steps regarding the request of the petitioner for his promotion, keeping in view the latest seniority list prepared by the 1st respondent. The respondents are also directed to examine whether W.P.No.21130/2003 is not a hurdle, and if so, to pass orders in the matter before the training of the petitioner and other candidates is completed.

Accordingly, the writ petition is disposed of. No costs.

20th September, 2004

Nn.

Copies to:

1. The Vice Chairman & Managing Director, Andhra Pradesh Forest Development Corporation of Ltd., regd Office, 3rd Floor, AC Guards, Hyderabad-4
2 The Regional Manager, Andhra Pradesh Forest Development Corporation Ltd., , Visakhapatnam

3. Two C.D.copies.